

[STAFF WORKING DRAFT]

JANUARY 22, 2001

107TH CONGRESS
1ST SESSION

S. _____

To amend the Federal Election Campaign Act of 1971 to provide bipartisan
campaign reform.

IN THE SENATE OF THE UNITED STATES

JANUARY —, 2001

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. COCHRAN, Mr. —, and
Ms. —) introduced the following bill; which was read twice and re-
ferred to the Committee on _____

A BILL

To amend the Federal Election Campaign Act of 1971 to
provide bipartisan campaign reform.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Bipartisan Campaign Reform Act of 2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.

Sec. 102. Increased contribution limits for State committees of political parties
and aggregate contribution limit for individuals.

Sec. 103. Reporting requirements.

TITLE II—NON-CANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

Sec. 201. Disclosure of electioneering communications.

Sec. 202. Coordinated communications as contributions.

Sec. 203. Prohibition of corporate and labor disbursements for electioneering
communications.

Subtitle B—Independent and Coordinated Expenditures

Sec. 211. Definition of independent expenditure.

Sec. 212. Reporting requirements for certain independent expenditures.

Sec. 213. Independent versus coordinated expenditures by party.

Sec. 214. Coordination with candidates.

TITLE III—MISCELLANEOUS

Sec. 301. Use of contributed amounts for certain purposes.

Sec. 302. Prohibition of fundraising on Federal property.

Sec. 303. Strengthening foreign money ban.

Sec. 304. Codification of Beck decision.

TITLE IV—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE
DATE

Sec. 401. Severability.

Sec. 402. Effective date.

3 **TITLE I—REDUCTION OF**
4 **SPECIAL INTEREST INFLUENCE**

5 **SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

6 (a) IN GENERAL.—Title III of the Federal Election
7 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
8 by adding at the end the following:

1 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

2 “(a) NATIONAL COMMITTEES.—

3 “(1) IN GENERAL.—A national committee of a
4 political party (including a national congressional
5 campaign committee of a political party) may not so-
6 licit, receive, or direct to another person a contribu-
7 tion, donation, or transfer of funds or any other
8 thing of value, or spend any funds, that are not sub-
9 ject to the limitations, prohibitions, and reporting
10 requirements of this Act.

11 “(2) APPLICABILITY.— The prohibition estab-
12 lished by paragraph (1) applies to any such national
13 committee, any officer or agent of such a national
14 committee, and any entity that is directly or indi-
15 rectly established, financed, maintained, or con-
16 trolled by such a national committee.

17 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

18 An amount that is expended or disbursed for Federal elec-
19 tion activity by a State, district, or local committee of a
20 political party (including an entity that is directly or indi-
21 rectly established, financed, maintained, or controlled by
22 a State, district, or local committee of a political party
23 and an officer or agent acting on behalf of such committee
24 or entity), or by an entity directly or indirectly established,
25 financed, maintained, or controlled by or acting on behalf
26 of 1 or more candidates for State or local office, or individ-

1 uals holding State or local office, shall be made from funds
2 subject to the limitations, prohibitions, and reporting re-
3 quirements of this Act. Nothing in this subsection shall
4 prevent a principal campaign committee of a candidate for
5 State or local office from raising and spending funds per-
6 mitted under applicable State law other than for a Federal
7 election activity that refers to another clearly identified
8 candidate for election to Federal office.

9 “(c) FUNDRAISING COSTS.—An amount spent by a
10 person described in subsection (a) or (b) to raise funds
11 that are used, in whole or in part, to pay the costs of
12 a Federal election activity shall be made from funds sub-
13 ject to the limitations, prohibitions, and reporting require-
14 ments of this Act.

15 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
16 State, district, or local committee of a political party (in-
17 cluding a national congressional campaign committee of
18 a political party), an entity that is directly or indirectly
19 established, financed, maintained, or controlled by any
20 such national, State, district, or local committee or its
21 agent, and an officer or agent acting on behalf of any such
22 party committee or entity, shall not solicit any funds for,
23 or make or direct any donations to—

24 (1) an organization that is described in section
25 501(c) of the Internal Revenue Code of 1986 and

1 exempt from taxation under section 501(a) of such
2 Code (or has submitted an application for deter-
3 mination of tax exempt status under such section);
4 or

5 (2) an organization described in section 527 of
6 such Code (other than a political committee).

7 “(e) CANDIDATES.—

8 “(1) IN GENERAL.—A candidate, individual
9 holding Federal office, agent of a candidate or an in-
10 dividual holding Federal office, or an entity directly
11 or indirectly established, financed, maintained or
12 controlled by or acting on behalf of 1 or more can-
13 didates or individuals holding Federal office, shall
14 not—

15 “(A) solicit, receive, direct, transfer, or
16 spend funds in connection with an election for
17 Federal office, including funds for any Federal
18 election activity, unless the funds are subject to
19 the limitations, prohibitions, and reporting re-
20 quirements of this Act; or

21 “(B) solicit, receive, direct, transfer, or
22 spend funds in connection with any election
23 other than an election for Federal office or dis-
24 burse funds in connection with such an election
25 unless the funds—

1 “(i) are not in excess of the amounts
2 permitted with respect to contributions to
3 candidates and political committees under
4 paragraphs (1) and (2) of section 315(a);
5 and

6 “(ii) are not from sources prohibited
7 by this Act from making contributions in
8 connection with an election for Federal of-
9 fice.

10 “(2) STATE LAW.—Paragraph (1) does not
11 apply to the solicitation, receipt, or spending of
12 funds by an individual who is a candidate for a
13 State or local office in connection with such election
14 for State or local office if the solicitation, receipt,
15 or spending of funds is permitted under State law
16 for any activity other than for a Federal election ac-
17 tivity that refers to another clearly identified can-
18 didate for election to Federal office.

19 “(3) FUNDRAISING EVENTS.—Notwithstanding
20 paragraph (1), a candidate or an individual holding
21 Federal office may attend, speak, or be a featured
22 guest at a fundraising event for a State, district, or
23 local committee of a political party.”.

1 (b) DEFINITIONS.—Section 301 of the Federal Elec-
2 tion Campaign Act of 1971 (2 U.S.C. 431) is amended
3 by adding at the end thereof the following:

4 “(20) FEDERAL ELECTION ACTIVITY.—

5 “(A) IN GENERAL.—The term ‘Federal
6 election activity’ means—

7 “(i) voter registration activity during
8 the period that begins on the date that is
9 120 days before the date a regularly sched-
10 uled Federal election is held and ends on
11 the date of the election;

12 “(ii) voter identification, get-out-the-
13 vote activity, or generic campaign activity
14 conducted in connection with an election in
15 which a candidate for Federal office ap-
16 pears on the ballot (regardless of whether
17 a candidate for State or local office also
18 appears on the ballot);

19 “(iii) a public communication that re-
20 fers to a clearly identified candidate for
21 Federal office (regardless of whether a
22 candidate for State or local office is also
23 mentioned or identified) and that promotes
24 or supports a candidate for that office, or
25 attacks or opposes a candidate for that of-

1 fice (regardless of whether the communica-
2 tion expressly advocates a vote for or
3 against a candidate); and

4 (iv) services provided during any
5 month by an employee of a State, district,
6 or local committee of a political party who
7 spends more than 25 percent of that indi-
8 vidual's compensated time during that
9 month on activities in connection with a
10 Federal election.

11 “(B) EXCLUDED ACTIVITY.—The term
12 ‘Federal election activity’ does not include an
13 amount expended or disbursed by a State, dis-
14 trict, or local committee of a political party
15 for—

16 “(i) a public communication that re-
17 fers solely to a clearly identified candidate
18 for State or local office, if the communica-
19 tion is not a Federal election activity de-
20 scribed in subparagraph (A)(i) or (ii);

21 “(ii) a contribution to a candidate for
22 State or local office, provided the contribu-
23 tion is not designated or used to pay for a
24 Federal election activity described in sub-
25 paragraph (A);

1 “(iii) the costs of a State, district, or
2 local political convention;

3 “(iv) the costs of grassroots campaign
4 materials, including buttons, bumper stick-
5 ers, and yard signs, that name or depict
6 only a candidate for State or local office;
7 and

8 “(v) the cost of constructing or pur-
9 chasing an office facility or equipment for
10 a State, district, or local committee.

11 “(21) GENERIC CAMPAIGN ACTIVITY.—The
12 term ‘generic campaign activity’ means an activity
13 that promotes a political party and does not promote
14 a candidate or non-Federal candidate.

15 “(22) PUBLIC COMMUNICATION.—The term
16 ‘public communication’ means a communication by
17 means of any broadcast, cable, or satellite commu-
18 nication, newspaper, magazine, outdoor advertising
19 facility, mass mailing, or telephone bank to the gen-
20 eral public, or any other form of general public polit-
21 ical advertising.

22 “(23) MASS MAILING.—The term ‘mass mail-
23 ing’ means a mailing of more than 500 pieces of
24 mail matter of an identical or substantially similar
25 nature within any 30-day period.

1 “(24) TELEPHONE BANK.—The term ‘telephone
2 bank’ means more than 500 telephone calls within
3 any 30-day period of an identical or substantially
4 similar nature.”.

5 **SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE**
6 **COMMITTEES OF POLITICAL PARTIES AND**
7 **AGGREGATE CONTRIBUTION LIMIT FOR INDI-**
8 **VIDUALS.**

9 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES
10 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-
11 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))
12 is amended—

13 (1) in subparagraph (B), by striking “or” at
14 the end;

15 (2) in subparagraph (C)—

16 (A) by inserting “(other than a committee
17 described in subparagraph (D))” after “com-
18 mittee”; and

19 (B) by striking the period at the end and
20 inserting “; or”; and

21 (3) by adding at the end the following:

22 “(D) to a political committee established and
23 maintained by a State committee of a political party
24 in any calendar year which, in the aggregate, exceed
25 \$10,000.”.

1 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDI-
2 VIDUAL.—Section 315(a)(3) of the Federal Election Cam-
3 paign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by
4 striking “\$25,000” and inserting “\$30,000”.

5 **SEC. 103. REPORTING REQUIREMENTS.**

6 (a) REPORTING REQUIREMENTS.—Section 304 of the
7 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
8 is amended by adding at the end the following:

9 “(d) POLITICAL COMMITTEES.—

10 “(1) NATIONAL AND CONGRESSIONAL POLIT-
11 ICAL COMMITTEES.—The national committee of a
12 political party, any national congressional campaign
13 committee of a political party, and any subordinate
14 committee of either, shall report all receipts and dis-
15 bursements during the reporting period.

16 “(2) OTHER POLITICAL COMMITTEES TO WHICH
17 SECTION 323 APPLIES.—In addition to any other re-
18 porting requirements applicable under this Act, a
19 political committee (not described in paragraph (1))
20 to which section 323(b)(1) applies shall report all re-
21 cepts and disbursements made for activities de-
22 scribed in section 301(20)(A).

23 “(3) ITEMIZATION.—If a political committee
24 has receipts or disbursements to which this sub-
25 section applies from any person aggregating in ex-

1 cess of \$200 for any calendar year, the political
2 committee shall separately itemize its reporting for
3 such person in the same manner as required in para-
4 graphs (3)(A), (5), and (6) of subsection (b).

5 “(4) REPORTING PERIODS.—Reports required
6 to be filed under this subsection shall be filed for the
7 same time periods required for political committees
8 under subsection (a).”.

9 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
10 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-
11 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))
12 is amended—

13 (1) by striking clause (viii); and

14 (2) by redesignating clauses (ix) through (xiv)
15 as clauses (viii) through (xiii), respectively.

16 **TITLE II—NON-CANDIDATE**
17 **CAMPAIGN EXPENDITURES**

18 **Subtitle A—Electioneering**
19 **Communications**

20 **SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICA-**
21 **TIONS.**

22 Section 304 of the Federal Election Campaign Act
23 of 1971 (2 U.S.C. 434) is amended by adding at the end
24 the following new subsection:

1 “(d) ADDITIONAL STATEMENTS ON ELECTION-
2 EERING COMMUNICATIONS.—

3 “(1) STATEMENT REQUIRED.—Every person
4 who makes a disbursement for electioneering com-
5 munications in an aggregate amount in excess of
6 \$10,000 during any calendar year shall, within 24
7 hours of each disclosure date, file with the Commis-
8 sion a statement containing the information de-
9 scribed in paragraph (2).

10 “(2) CONTENTS OF STATEMENT.—Each state-
11 ment required to be filed under this subsection shall
12 be made under penalty of perjury and shall contain
13 the following information:

14 “(A) The identification of the person mak-
15 ing the disbursement, of any entity sharing or
16 exercising direction or control over the activities
17 of such person, and of the custodian of the
18 books and accounts of the person making the
19 disbursement.

20 “(B) The principal place of business of the
21 person making the disbursement, if not an indi-
22 vidual.

23 “(C) The amount of each disbursement of
24 more than \$200 during the period covered by

1 the statement and the identification of the per-
2 son to whom the disbursement was made.

3 “(D) The elections to which the election-
4 eering communications pertain and the names
5 (if known) of the candidates identified or to be
6 identified.

7 “(E) If the disbursements were paid out of
8 a segregated bank account which consists of
9 funds contributed solely by individuals directly
10 to this account for electioneering communica-
11 tions, the names and addresses of all contribu-
12 tors who contributed an aggregate amount of
13 \$1,000 or more to that account during the pe-
14 riod beginning on the first day of the preceding
15 calendar year and ending on the disclosure
16 date. Nothing in this section is to be construed
17 as a prohibition on the use of funds in such a
18 segregated account for a purpose other than
19 electioneering communications.

20 “(F) If the disbursements were paid out of
21 funds not described in subparagraph (E), the
22 names and addresses of all contributors who
23 contributed an aggregate amount of \$1,000 or
24 more to the organization during the period be-

1 ginning on the first day of the preceding cal-
2 endar year and ending on the disclosure date.

3 “(3) ELECTIONEERING COMMUNICATION.—For
4 purposes of this subsection—

5 “(A) IN GENERAL.—The term ‘election-
6 eering communication’ means any broadcast,
7 cable, or satellite communication which—

8 “(i) refers to a clearly identified can-
9 didate for Federal office;

10 “(ii) is made within—

11 “(I) 60 days before a general,
12 special, or runoff election for such
13 Federal office; or

14 “(II) 30 days before a primary or
15 preference election, or a convention or
16 caucus of a political party that has
17 authority to nominate a candidate, for
18 such Federal office; and

19 “(iii) is made to an audience that in-
20 cludes members of the electorate for such
21 election, convention, or caucus.

22 “(B) EXCEPTIONS.—The term ‘election-
23 eering communication’ does not include—

24 “(i) a communication appearing in a
25 news story, commentary, or editorial dis-

1 tributed through the facilities of any
2 broadcasting station, unless such facilities
3 are owned or controlled by any political
4 party, political committee, or candidate; or
5 “(ii) a communication which con-
6 stitutes an expenditure or an independent
7 expenditure under this Act.

8 “(4) DISCLOSURE DATE.—For purposes of this
9 subsection, the term ‘disclosure date’ means—

10 “(A) the first date during any calendar
11 year by which a person has made disbursements
12 for electioneering communications aggregating
13 in excess of \$10,000; and

14 “(B) any other date during such calendar
15 year by which a person has made disbursements
16 for electioneering communications aggregating
17 in excess of \$10,000 since the most recent dis-
18 closure date for such calendar year.

19 “(5) CONTRACTS TO DISBURSE.—For purposes
20 of this subsection, a person shall be treated as hav-
21 ing made a disbursement if the person has executed
22 a contract to make the disbursement.

23 “(6) COORDINATION WITH OTHER REQUIRE-
24 MENTS.—Any requirement to report under this sub-

1 section shall be in addition to any other reporting
2 requirement under this Act.”.

3 **SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBU-**
4 **TIONS.**

5 Section 315(a)(7) of the Federal Election Campaign
6 Act of 1971 (2 U.S.C. 441a(a)(7)) is amended —

7 (1) by redesignating subparagraph (C) as sub-
8 paragraph (D); and

9 (2) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) if—

12 “(i) any person makes, or contracts to
13 make, any disbursement for any election-
14 eering communication (within the meaning
15 of section 304(d)(3)); and

16 “(ii) such disbursement is coordinated
17 with a candidate or an authorized com-
18 mittee of such candidate, a Federal, State,
19 or local political party or committee there-
20 of, or an agent or official of any such can-
21 didate, party, or committee;

22 such disbursement or contracting shall be
23 treated as a contribution to the candidate
24 supported by the electioneering commu-

1 nication and as an expenditure by that
2 candidate; and”.

3 **SEC. 203. PROHIBITION OF CORPORATE AND LABOR DIS-**
4 **BURSEMENTS FOR ELECTIONEERING COM-**
5 **MUNICATIONS.**

6 (a) IN GENERAL.—Section 316(b)(2) of the Federal
7 Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is
8 amended by inserting “or for any applicable electioneering
9 communication” before “, but shall not include”.

10 (b) APPLICABLE ELECTIONEERING COMMUNICA-
11 TION.—Section 316 of such Act is amended by adding at
12 the end the following:

13 “(c) RULES RELATING TO ELECTIONEERING COM-
14 MUNICATIONS.—

15 “(1) APPLICABLE ELECTIONEERING COMMU-
16 NICATION.—For purposes of this section, the term
17 ‘applicable electioneering communication’ means an
18 electioneering communication (within the meaning of
19 section 304(d)(3)) which is made by any entity de-
20 scribed in subsection (a) of this section or by any
21 other person using funds donated by an entity de-
22 scribed in subsection (a) of this section.

23 “(2) EXCEPTION.—Notwithstanding paragraph
24 (1), the term ‘applicable electioneering communica-
25 tion’ does not include a communication by an orga-

1 nization described in section 501(c)(4) of the Inter-
2 nal Revenue Code of 1986 or a political organization
3 (as defined in section 527(e)(1) of such Code) made
4 under section 304(d)(2)(E) or (F) of this Act if the
5 communication is paid for exclusively by funds pro-
6 vided directly by individuals. For purposes of the
7 preceding sentence, the term ‘provided directly by
8 individuals’ does not include funds the source of
9 which is an entity described in subsection (a) of this
10 section.

11 “(3) SPECIAL OPERATING RULES.—For pur-
12 poses of paragraph (1), the following rules shall
13 apply:

14 “(A) An electioneering communication
15 shall be treated as made by an entity described
16 in subsection (a) if—

17 “(i) an entity described in subsection
18 (a) directly or indirectly disburses any
19 amount for any of the costs of the commu-
20 nication; or

21 “(ii) any amount is disbursed for the
22 communication by a corporation or labor
23 organization or a State or local political
24 party or committee thereof that receives
25 anything of value from an entity described

1 in subsection (a), except that this clause
2 shall not apply to any communication the
3 costs of which are defrayed entirely out of
4 a segregated account to which only individ-
5 uals can contribute, as described in section
6 304(d)(2)(E).

7 “(B) A section 501(c)(4) organization that
8 derives amounts from business activities or re-
9 ceives funds from any entity described in sub-
10 section (a) shall be considered to have paid for
11 any communication out of such amounts unless
12 such organization paid for the communication
13 out of a segregated account to which only indi-
14 viduals can contribute, as described in section
15 304(d)(2)(E).

16 “(4) DEFINITIONS AND RULES.—For purposes
17 of this subsection—

18 “(A) the term ‘section 501(c)(4) organiza-
19 tion’ means—

20 “(i) an organization described in sec-
21 tion 501(c)(4) of the Internal Revenue
22 Code of 1986 and exempt from taxation
23 under section 501(a) of such Code; or

24 “(ii) an organization which has sub-
25 mitted an application to the Internal Rev-

1 enue Service for determination of its status
 2 as an organization described in clause (i);
 3 and
 4 “(B) a person shall be treated as having
 5 made a disbursement if the person has executed
 6 a contract to make the disbursement.

7 “(5) COORDINATION WITH INTERNAL REVENUE
 8 CODE.—Nothing in this subsection shall be con-
 9 strued to authorize an organization exempt from
 10 taxation under section 501(a) of the Internal Rev-
 11 enue Code of 1986 from carrying out any activity
 12 which is prohibited under such Code.”.

13 **Subtitle B—Independent and** 14 **Coordinated Expenditures**

15 **SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.**

16 Section 301 of the Federal Election Campaign Act
 17 (2 U.S.C. 431) is amended by striking paragraph (17) and
 18 inserting the following:

19 “(17) INDEPENDENT EXPENDITURE.—The
 20 term ‘independent expenditure’ means an expendi-
 21 ture by a person—

22 “(A) expressly advocating the election or
 23 defeat of a clearly identified candidate; and

24 “(B) that is not a coordinated activity with
 25 such candidate or such candidate’s agent or a

1 person who has engaged in coordinated activity
2 with such candidate or such candidate's
3 agent.".

4 **SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
5 **PENDENT EXPENDITURES.**

6 Section 304 of the Federal Election Campaign Act
7 of 1971 (2 U.S.C. 434) (as amended by section 201) is
8 amended—

9 (1) in subsection (c)(2), by striking the undes-
10 ignated matter after subparagraph (C); and

11 (2) by adding at the end the following:

12 “(e) TIME FOR REPORTING CERTAIN EXPENDI-
13 TURES.—

14 “(1) EXPENDITURES AGGREGATING \$1,000.—

15 “(A) INITIAL REPORT.—A person (includ-
16 ing a political committee) that makes or con-
17 tracts to make independent expenditures aggre-
18 gating \$1,000 or more after the 20th day, but
19 more than 24 hours, before the date of an elec-
20 tion shall file a report describing the expendi-
21 tures within 24 hours after that amount of
22 independent expenditures has been made.

23 “(B) ADDITIONAL REPORTS.—After a per-
24 son files a report under subparagraph (A), the
25 person shall file an additional report within 24

1 hours after each time the person makes or con-
2 tracts to make independent expenditures aggreg-
3 ating an additional \$1,000 with respect to the
4 same election as that to which the initial report
5 relates.

6 “(2) EXPENDITURES AGGREGATING \$10,000.—

7 “(A) INITIAL REPORT.—A person (includ-
8 ing a political committee) that makes or con-
9 tracts to make independent expenditures aggreg-
10 ating \$10,000 or more at any time up to and
11 including the 20th day before the date of an
12 election shall file a report describing the ex-
13 penditures within 48 hours after that amount
14 of independent expenditures has been made.

15 “(B) ADDITIONAL REPORTS.—After a per-
16 son files a report under subparagraph (A), the
17 person shall file an additional report within 48
18 hours after each time the person makes or con-
19 tracts to make independent expenditures aggreg-
20 ating an additional \$10,000 with respect to
21 the same election as that to which the initial re-
22 port relates.

23 “(3) PLACE OF FILING; CONTENTS.—A report
24 under this subsection—

1 “(A) shall be filed with the Commission;
2 and
3 “(B) shall contain the information required
4 by subsection (b)(6)(B)(iii), including the name
5 of each candidate whom an expenditure is in-
6 tended to support or oppose.”.

7 **SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDI-**
8 **TURES BY PARTY.**

9 Section 315(d) of the Federal Election Campaign Act
10 (2 U.S.C. 441a(d)) is amended—

11 (1) in paragraph (1), by striking “and (3)” and
12 inserting “, (3), and (4)”; and

13 (2) by adding at the end the following:

14 “(4) INDEPENDENT VERSUS COORDINATED EX-
15 PENDITURES BY PARTY.—

16 “(A) IN GENERAL.—On or after the date
17 on which a political party nominates a can-
18 didate, a committee of the political party shall
19 not make both expenditures under this sub-
20 section and independent expenditures (as de-
21 fined in section 301(17)) with respect to the
22 candidate during the election cycle.

23 “(B) CERTIFICATION.—Before making a
24 coordinated expenditure under this subsection
25 with respect to a candidate, a committee of a

1 political party shall file with the Commission a
2 certification, signed by the treasurer of the
3 committee, that the committee, on or after the
4 date described in subparagraph (A), has not
5 and shall not make any independent expendi-
6 ture with respect to the candidate during the
7 same election cycle.

8 “(C) APPLICATION.—For purposes of this
9 paragraph, all political committees established
10 and maintained by a national political party
11 (including all congressional campaign commit-
12 tees) and all political committees established
13 and maintained by a State political party (in-
14 cluding any subordinate committee of a State
15 committee) shall be considered to be a single
16 political committee.

17 “(D) TRANSFERS.—A committee of a po-
18 litical party that submits a certification under
19 subparagraph (B) with respect to a candidate
20 shall not, during an election cycle, transfer any
21 funds to, assign authority to make coordinated
22 expenditures under this subsection to, or receive
23 a transfer of funds from, a committee of the po-
24 litical party that has made or intends to make

1 an independent expenditure with respect to the
2 candidate.”.

3 **SEC. 214. COORDINATION WITH CANDIDATES.**

4 (a) DEFINITION OF COORDINATION WITH CAN-
5 DIDATES.—

6 (1) SECTION 301(8).—Section 301(8) of the
7 Federal Election Campaign Act of 1971 (2 U.S.C.
8 431(8)) is amended—

9 (A) in subparagraph (A)—

10 (i) by striking “or” at the end of
11 clause (i);

12 (ii) by striking the period at the end
13 of clause (ii) and inserting “; or”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(iii) coordinated activity (as defined
17 in subparagraph (C)).”; and

18 (B) by adding at the end the following:

19 “(C) ‘Coordinated activity’ means anything
20 of value provided by a person in connection
21 with a Federal candidate’s election who is or
22 previously has been within the same election
23 cycle acting in coordination with that candidate,
24 or an agent of that candidate on any campaign
25 activity in connection with a Federal election in

1 which such candidate seeks nomination or elec-
2 tion to Federal office (regardless of whether the
3 value being provided is in the form of a commu-
4 nication that expressly advocates a vote for or
5 against a candidate) and includes any of the
6 following:

7 “(i) A payment made by a person in
8 cooperation, consultation, or concert with,
9 at the request or suggestion of, or pursu-
10 ant to any general or particular under-
11 standing with a candidate, the candidate’s
12 authorized committee, the political party of
13 the candidate, or an agent acting on behalf
14 of a candidate, authorized committee, or
15 the political party of the candidate.

16 “(ii) A payment made by a person for
17 the production, dissemination, distribution,
18 or republication, in whole or in part, of any
19 broadcast or any written, graphic, or other
20 form of campaign material prepared by a
21 candidate, a candidate’s authorized com-
22 mittee, or an agent of a candidate or au-
23 thorized committee (not including a com-
24 munication described in paragraph
25 (9)(B)(i) or a communication that ex-

1 pressly advocates the candidate's defeat),
2 except materials published on a candidate's
3 website and republished at a cost of less
4 than \$1,000.

5 “(iii) A payment made by a person if,
6 in the same election cycle in which the pay-
7 ment is made, the person making the
8 payment—

9 “(I) is serving or previously has
10 served as—

11 “(a) an employee;

12 “(b) a fundraiser; or

13 “(c) an agent of the can-
14 didate or the candidate's author-
15 ized committee in an executive or
16 policymaking capacity; or

17 “(II) has previously participated
18 in discussions (other than on an inci-
19 dental basis) that have been—

20 “(a) with the candidate, an
21 agent of the candidate or the
22 candidate's authorized com-
23 mittee, or with a political party
24 that is coordinating with the can-
25 didate; and

1 “(b) about the candidate’s
2 campaign strategy and tactics,
3 including a discussion about ad-
4 vertising, message, allocation of
5 resources, fundraising, or cam-
6 paign operations.

7 “(iv) A payment made by a person if,
8 in the same election cycle, the person mak-
9 ing the payment retains the professional
10 services of any person who has provided
11 those services in the same election cycle to
12 a candidate (including services provided
13 through a political committee of the can-
14 didate’s political party) in connection with
15 the candidate’s pursuit of nomination for
16 election, or election, to Federal office, in-
17 cluding services relating to the candidate’s
18 decision to seek Federal office, and the
19 person retained is retained to work on ac-
20 tivities relating to that candidate’s cam-
21 paign.

22 “(D) For purposes of subparagraph (C),
23 the term ‘professional services’ means polling,
24 media advice, fundraising, campaign research,
25 political advice, or direct mail services (except

1 for mailhouse services) in support of a can-
2 didate's pursuit of nomination for election, or
3 election, to Federal office.

4 “(E) For purposes of subparagraph (C),
5 all political committees established and main-
6 tained by a national political party (including
7 all congressional campaign committees) and all
8 political committees established and maintained
9 by a State political party (including any subor-
10 dinate committee of a State committee) shall be
11 considered to be a single political committee.

12 “(F) COORDINATION BY A POLITICAL
13 PARTY.—When a political party committee
14 makes any expenditure that refers to a clearly
15 identified candidate of that party, or to the op-
16 ponent of a candidate of that party, in connec-
17 tion with a Federal election, regardless of
18 whether the communication expressly advocates
19 a vote for or against the candidate, the expendi-
20 ture is deemed to be made in coordination with
21 the candidate of that party, unless the party
22 certifies under penalty of perjury that there has
23 been no coordination by the party.”.

1 of Federal office, may be used by the candidate or
2 individual—

3 “(1) for expenditures in connection with the
4 campaign for Federal office of the candidate or indi-
5 vidual;

6 “(2) for ordinary and necessary expenses in-
7 curred in connection with duties of the individual as
8 a holder of Federal office;

9 “(3) for contributions to an organization de-
10 scribed in section 170(c) of the Internal Revenue
11 Code of 1986; or

12 “(4) for transfers to a national, State, or local
13 committee of a political party.

14 “(b) PROHIBITED USE.—

15 “(1) IN GENERAL.—A contribution or amount
16 described in subsection (a) shall not be converted by
17 any person to personal use.

18 “(2) CONVERSION.—For the purposes of para-
19 graph (1), a contribution or amount shall be consid-
20 ered to be converted to personal use if the contribu-
21 tion or amount is used to fulfill any commitment,
22 obligation, or expense of a person that would exist
23 irrespective of the candidate’s election campaign or
24 individual’s duties as a holder of Federal office,
25 including—

1 “(A) a home mortgage, rent, or utility pay-
2 ment;
3 “(B) a clothing purchase;
4 “(C) a noncampaign-related automobile ex-
5 pense;
6 “(D) a country club membership;
7 “(E) a vacation or other noncampaign-re-
8 lated trip;
9 “(F) a household food item;
10 “(G) a tuition payment;
11 “(H) admission to a sporting event, con-
12 cert, theater, or other form of entertainment
13 not associated with an election campaign; and
14 “(I) dues, fees, and other payments to a
15 health club or recreational facility.”.

16 **SEC. 302. PROHIBITION OF FUNDRAISING ON FEDERAL**
17 **PROPERTY.**

18 Section 607 of title 18, United States Code, is
19 amended—

20 (1) by striking subsection (a) and inserting the
21 following:

22 “(a) PROHIBITION.—

23 “(1) IN GENERAL.—It shall be unlawful for any
24 person to solicit or receive a donation of money or
25 other thing of value in connection with a Federal,

1 State, or local election from a person who is located
2 in a room or building occupied in the discharge of
3 official duties by an officer or employee of the
4 United States. It shall be unlawful for an individual
5 who is an officer or employee of the Federal Govern-
6 ment, including the President, Vice President, and
7 Members of Congress, to solicit a donation of money
8 or other thing of value in connection with a Federal,
9 State, or local election, while in any room or build-
10 ing occupied in the discharge of official duties by
11 an officer or employee of the United States, from
12 any person.

13 “(2) PENALTY.—A person who violates this sec-
14 tion shall be fined not more than \$5,000, imprisoned
15 more than 3 years, or both.”; and

16 (2) in subsection (b), by inserting “or Executive
17 Office of the President” after “Congress” .

18 **SEC. 303. STRENGTHENING FOREIGN MONEY BAN.**

19 Section 319 of the Federal Election Campaign Act
20 of 1971 (2 U.S.C. 441e) is amended—

21 (1) by striking the heading and inserting the
22 following: “CONTRIBUTIONS AND DONATIONS BY
23 FOREIGN NATIONALS”; and

24 (2) by striking subsection (a) and inserting the
25 following:

1 “(a) PROHIBITION.—It shall be unlawful for—

2 “(1) a foreign national, directly or indirectly, to
3 make—

4 “(A) a donation of money or other thing of
5 value, or to make an express or implied promise
6 to make a donation, in connection with a Fed-
7 eral, State, or local election; or

8 “(B) a contribution or donation to a com-
9 mittee of a political party; or

10 “(2) for a person to solicit, accept, or receive
11 such contribution or donation from a foreign na-
12 tional.”.

13 **SEC. 304. CODIFICATION OF BECK DECISION.**

14 Section 8 of the National Labor Relations Act (29
15 U.S.C. 158) is amended by adding at the end the fol-
16 lowing:

17 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-
18 GANIZATION.—

19 “(1) IN GENERAL.—It shall be an unfair labor
20 practice for any labor organization which receives a
21 payment from an employee pursuant to an agree-
22 ment that requires employees who are not members
23 of the organization to make payments to such orga-
24 nization in lieu of organization dues or fees not to

1 establish and implement the objection procedure de-
2 scribed in paragraph (2).

3 “(2) OBJECTION PROCEDURE.—The objection
4 procedure required under paragraph (1) shall meet
5 the following requirements:

6 “(A) The labor organization shall annually
7 provide to employees who are covered by such
8 agreement but are not members of the
9 organization—

10 “(i) reasonable personal notice of the
11 objection procedure, the employees eligible
12 to invoke the procedure, and the time,
13 place, and manner for filing an objection;
14 and

15 “(ii) reasonable opportunity to file an
16 objection to paying for organization ex-
17 penditures supporting political activities
18 unrelated to collective bargaining, includ-
19 ing but not limited to the opportunity to
20 file such objection by mail.

21 “(B) If an employee who is not a member
22 of the labor organization files an objection
23 under the procedure in subparagraph (A), such
24 organization shall—

1 “(i) reduce the payments in lieu of or-
2 ganization dues or fees by such employee
3 by an amount which reasonably reflects the
4 ratio that the organization’s expenditures
5 supporting political activities unrelated to
6 collective bargaining bears to such organi-
7 zation’s total expenditures; and

8 “(ii) provide such employee with a
9 reasonable explanation of the organiza-
10 tion’s calculation of such reduction, includ-
11 ing calculating the amount of organization
12 expenditures supporting political activities
13 unrelated to collective bargaining.

14 “(3) DEFINITION.—In this subsection, the term
15 ‘expenditures supporting political activities unrelated
16 to collective bargaining’ means expenditures in con-
17 nection with a Federal, State, or local election or in
18 connection with efforts to influence legislation unre-
19 lated to collective bargaining.”.

20 **TITLE IV—SEVERABILITY;**
21 **EFFECTIVE DATE**

22 **SEC. 401. SEVERABILITY.**

23 If any provision of this Act or amendment made by
24 this Act, or the application of a provision or amendment
25 to any person or circumstance, is held to be unconstitu-

1 tional, the remainder of this Act and amendments made
2 by this Act, and the application of the provisions and
3 amendment to any person or circumstance, shall not be
4 affected by the holding.

5 **SEC. 402. EFFECTIVE DATE.**

6 This Act and the amendments made by this Act shall
7 take effect 30 days after the date of its enactment.

